

SmithKline Beecham Clinical Laboratories; SmithKline Bio-Science Laboratories)

Quest Diagnostics Incorporated, 4230 South Burnham Ave., Suite 250, Las Vegas, NV 89119-5412, 702-733-7866/800-433-2750 (Formerly: Associated Pathologists Laboratories, Inc.)

Quest Diagnostics Incorporated, 400 Egypt Rd., Norristown, PA 19403, 610-631-4600/877-642-2216 (Formerly: SmithKline Beecham Clinical Laboratories; SmithKline Bio-Science Laboratories)

Quest Diagnostics Incorporated, 506 E. State Pkwy., Schaumburg, IL 60173, 800-669-6995/847-885-2010 (Formerly: SmithKline Beecham Clinical Laboratories; International Toxicology Laboratories)

Quest Diagnostics Incorporated, 7600 Tyrone Ave., Van Nuys, CA 91405, 818-989-2520/800-877-2520 (Formerly: SmithKline Beecham Clinical Laboratories)

Scientific Testing Laboratories, Inc., 450 Southlake Blvd., Richmond, VA 23236, 804-378-9130

Sciteck Clinical Laboratories, Inc., 317 Rutledge Rd., Fletcher, NC 28732, 828-650-0409

S.E.D. Medical Laboratories, 5601 Office Blvd., Albuquerque, NM 87109, 505-727-6300 / 800-999-5227

South Bend Medical Foundation, Inc., 530 N. Lafayette Blvd., South Bend, IN 46601, 574-234-4176 x276

Southwest Laboratories, 2727 W. Baseline Rd., Tempe, AZ 85283, 602-438-8507 / 800-279-0027

Sparrow Health System, Toxicology Testing Center, St. Lawrence Campus, 1210 W. Saginaw, Lansing, MI 48915, 517-377-0520 (Formerly: St. Lawrence Hospital & Healthcare System)

St. Anthony Hospital Toxicology Laboratory, 1000 N. Lee St., Oklahoma City, OK 73101, 405-272-7052

Toxicology & Drug Monitoring Laboratory, University of Missouri Hospital & Clinics, 301 Business Loop 70 West, Suite 208, Columbia, MO 65203, 573-882-1273

Toxicology Testing Service, Inc., 5426 N.W. 79th Ave., Miami, FL 33166, 305-593-2260

U.S. Army Forensic Toxicology Drug Testing Laboratory, 2490 Wilson St., Fort George G. Meade, MD, 20755-5235, 301-677-7085

The following laboratory has voluntarily withdrawn from the National Laboratory Certification Program, as of February 3, 2004:

Sure-Test Laboratories, Inc., 2900 Broad Ave., Memphis, TN 38112, 901-474-6026

The following laboratory has voluntarily withdrawn from the National Laboratory Certification Program, as of February 21, 2004: Alliance Laboratory Services, 3200 Burnet Ave., Cincinnati, OH 45229, 513-585-6870 (Formerly: Jewish Hospital of Cincinnati, Inc.)

\*The Standards Council of Canada (SCC) voted to end its Laboratory Accreditation Program for Substance Abuse (LAPSA) effective May 12, 1998. Laboratories certified through that program were accredited to conduct forensic urine drug testing as required by U.S. Department of Transportation (DOT) regulations. As of that date, the certification of those accredited Canadian laboratories will continue under DOT authority. The responsibility for conducting quarterly performance testing plus periodic on-site inspections of those LAPSA-accredited laboratories was transferred to the U.S. HHS, with the HHS's NLCP contractor continuing to have an active role in the performance testing and laboratory inspection processes. Other Canadian laboratories wishing to be considered for the NLCP may apply directly to the NLCP contractor just as U.S. laboratories do.

Upon finding a Canadian laboratory to be qualified, HHS will recommend that DOT certify the laboratory (**Federal Register**, July 16, 1996) as meeting the minimum standards of the Mandatory Guidelines published in the **Federal Register** on June 9, 1994 (59 FR 29908) and on September 30, 1997 (62 FR 51118). After receiving DOT certification, the laboratory will be included in the monthly list of HHS certified laboratories and participate in the NLCP certification maintenance program.

**Anna Marsh,**  
*Executive Officer, SAMHSA.*  
[FR Doc. 04-4942 Filed 3-4-04; 8:45 am]  
**BILLING CODE 4160-20-P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Endangered Species Recovery Permit Application

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of receipt of a permit application.

**SUMMARY:** The following applicant has applied for a scientific research permit to conduct certain activities with endangered species pursuant to section 10(a)(1)(A) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*). The U.S. Fish and Wildlife Service ("we") solicits

review and comment from local, State, and Federal agencies, and the public on the following permit request.

**DATES:** Comments on this permit application must be received on or before April 5, 2004.

**ADDRESSES:** Written data or comments should be submitted to the U.S. Fish and Wildlife Service, Chief, Endangered Species, Ecological Services, 911 NE. 11th Avenue, Portland, Oregon 97232-4181 (fax: (503) 231-6243). Please refer to the permit number when submitting comments. All comments received, including names and addresses, will become part of the official administrative record and may be made available to the public.

**FOR FURTHER INFORMATION CONTACT:** Documents and other information submitted with this application are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents within 30 days of the date of publication of this notice to the address above (telephone: 503-231-2063). Please refer to the permit number when requesting copies of documents.

#### SUPPLEMENTARY INFORMATION:

##### Permit No. TE-702631

*Applicant:* Regional Director, Region 1, U.S. Fish and Wildlife Service, Portland, Oregon.

The permittee requests an amendment to take the island fox (*Urocyon littoralis*) in conjunction with recovery efforts throughout the range of the species for the purpose of enhancing its propagation and survival.

We solicit public review and comment on this recovery permit application.

Dated: February 11, 2004.

**David B. Allen,**

*Regional Director, Region 1, U.S. Fish and Wildlife Service.*

[FR Doc. 04-4903 Filed 3-4-04; 8:45 am]

**BILLING CODE 4310-55-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

#### Alturas Indian Rancheria of California Liquor Control Ordinance

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Notice.

**SUMMARY:** This notice publishes the Alturas Indian Rancheria of California Liquor Control Ordinance. The

ordinance regulates and controls the importation, distribution, possession, consumption and sale of alcohol within the boundaries of the Alturas Indian Rancheria.

**EFFECTIVE DATE:** This Ordinance is effective on March 5, 2004.

**FOR FURTHER INFORMATION CONTACT:** Duane T. Bird Bear, Office of Tribal Services, Bureau of Indian Affairs, 1951 Constitution Avenue, NW., MS-320-SIB, Washington, DC 20240, Telephone: (202) 513-7641.

**SUPPLEMENTARY INFORMATION:** Pursuant to the Act of August 15, 1953, Public Law 83-277, 67 Stat. 586, 18 U.S.C. 1161, as interpreted by the Supreme Court in *Rice v. Rehner*, 463 U.S. 713 (1983), the Secretary of the Interior shall certify and publish in the **Federal Register** notice of adopted liquor ordinances for the purpose of regulating liquor transactions in Indian country. The General Council of the Alturas Indian Rancheria of California adopted a Liquor Control Ordinance on August 29, 2003. The purpose of this ordinance is to govern the importation, distribution, possession, consumption, and sale of liquor within the boundaries of the Alturas Indian Rancheria, California.

This notice is published in accordance with the authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs. Amendments to the ordinance are subject to the approval of the Assistant Secretary for Indian Affairs and published in the **Federal Register** before the amendments become effective.

I certify that the Alturas Indian Rancheria Liquor Control Ordinance was duly adopted by the General Council of the Alturas Indian Rancheria through General Council Resolution No. 03-003 by a vote of four (4) for, zero (0) against, and zero (0) abstaining, on August 29, 2003.

Dated: February 27, 2004.

**Dave Anderson,**

*Assistant Secretary—Indian Affairs.*

The Alturas Indian Rancheria Liquor Control Ordinance reads as follows:

**The Alturas Indian Rancheria Liquor Control Ordinance**

As Adopted by General Council Resolution No. 03-0003 on August 29, 2003

*Article I—Declaration of Public Policy and Purpose*

**Section 1.1.** The importation, distribution, possession, consumption and sale of liquor within the boundaries of the Alturas Indian Rancheria is a

matter of special concern to the members of the Alturas Indian Rancheria (the “Tribe”).

**Section 1.2.** Federal law, as codified at 18 U.S.C. 1154 and 1161, currently prohibits the introduction of liquor into Indian country, except in accordance with State law and the duly enacted law of the Tribe. By adoption of this Ordinance, it is the intention of the Alturas Indian Rancheria General Council to establish tribal law regulating the sale, distribution and consumption of liquor on tribal lands and to ensure that such activity conforms to all applicable provisions of the laws of the State of California.

**Section 1.3.** The General Council, according to article VII, section 3, (a) of the Constitution and Bylaws of the Alturas Indian Rancheria (the “Constitution”) as the governing body of the Tribe is endowed with the power to (i) promulgate all ordinances, resolutions, and other enactments of the Alturas Indian Rancheria; and (ii) to represent the members in all negotiations between the Tribe and local, state and Federal Government, their agencies and officers. The General Council has determined that it is in the best interest of the Tribe to enact a tribal ordinance governing the importation, distribution, sale, possession, and consumption of liquor within the boundaries of the Alturas Indian Rancheria (the “Rancheria”). By General Council Resolution No. 03-0003, the General Council has adopted this Ordinance for the regulation of the importation, distribution, sale, possession and consumption of liquor on the Rancheria.

**Section 1.4.** The General Council has determined that the purchase, distribution and sale of liquor shall take place only at duly licensed (i) tribally-owned enterprises; (ii) tribally-licensed establishments; and (iii) tribally-sanctioned Special Events, all as operating on tribal lands.

**Section 1.5.** The General Council has determined that any importation, possession, consumption, sale or other commercial distribution of liquor on the Rancheria, other than sales and distribution in strict compliance with this Ordinance, is detrimental to the health, safety and welfare of the members of the Tribe and is therefore prohibited.

**Section 1.6.** Based upon the foregoing findings and determinations, the General Council hereby enacts this Liquor Control Ordinance (this “Ordinance”) as follows:

*Article II—Definitions*

As used in this Ordinance, the following words shall have the following meanings, unless the context clearly requires otherwise.

**Section 2.1.** *Alcohol* means that substance known as ethyl alcohol, hydrated oxide of ethyl, or spirit of wine, which is commonly produced by the fermentation, or distillation of grain, starch, molasses or sugar, or other substances including dilutions and mixtures of this substance.

**Section 2.2.** *Alcoholic Beverage* has the same meaning as the term “liquor” as defined herein.

**Section 2.3.** *Bar* means any establishment with special space and accommodations for sale by the glass and for consumption on the premises, of liquor, as herein defined.

**Section 2.4.** *Beer* means any beverage obtained by the alcoholic fermentation at an infusion or decoction of pure hops, or pure extract of hops and pure barley malt or other wholesome grain or cereal in pure water containing not more than four percent (4%) of alcohol by volume. For the purpose of this title, any such beverage, including ale, stout, and porter, containing more than four percent (4%) of alcohol by weight shall be referred to as strong beer.

**Section 2.5.** *General Council* means the duly elected entity, elected by the General Council pursuant to the Constitution.

**Section 2.6.** *Constitution* is the Constitution and Bylaws of the Alturas Indian Rancheria, adopted by the Tribe on April 18, 1972, and approved by the Secretary of the Interior on May 30, 1972.

**Section 2.7.** *Gaming Commission* is the Tribal Gaming body appointed in accordance with the duly adopted and approved Tribal Gaming Ordinance of the Alturas Indian Rancheria.

**Section 2.8.** *Gaming Compact* means the federally approved Tribal-State Compact, dated October 8, 1999, between the State of California and the Tribe.

**Section 2.9.** *Liquor* means the four varieties of liquor herein defined (alcohol, spirits, wine and beer), and all fermented spirituous, vinous, or malt liquor or combinations thereof and mixed liquor, or a part of which is fermented, spirituous, vinous, or malt liquor, or otherwise intoxicating; and every other liquid or solid or semisolid or other substance, patented or not, containing alcohol, spirits, wine or beer, and all drinks or drinkable liquids and all preparations or mixtures capable of human consumption, and any liquid, semisolid, solid, or other substances

that contains more than one percent (1%) of alcohol by weight, shall be conclusively deemed to be intoxicating.

**Section 2.10. *Liquor Store*** means any store at which liquor is sold and, for the purpose of this Ordinance, including any store only a portion of which is devoted to the sale of liquor or beer.

**Section 2.11. *Licensed Wholesaler*** means a wholesale seller of liquor that is duly licensed by the Tribe and the State.

**Section 2.12. *Malt liquor*** means beer, strong beer, ale, stout and porter.

**Section 2.13. *Package*** means any container or receptacle used for holding liquor.

**Section 2.14. *Public Place*** includes gaming facilities and commercial or community facilities of every nature which are open to and/or are generally used by the public and to which the public is permitted to have unrestricted access; public conveyances of all kinds and character; and all other places of like or similar nature to which the general public has unrestricted access, and which generally are used by the public.

**Section 2.15. *Sale and Sell*** mean any exchange, barter, and traffic; and also includes the selling of or supplying or distributing, by any means whatsoever, of liquor, or of any liquid known or described as beer or by any name whatsoever commonly used to describe malt or brewed liquor, or of wine, by any person to any person.

**Section 2.16. *Special Event*** means any social, charitable or for-profit discreet activity or event conducted by the General Council or any tribal enterprise on tribal lands at which liquor is sold or proposed to be sold.

**Section 2.17. *Spirits*** means any beverage, which contains alcohol obtained by distillation, including wines exceeding seventeen percent (17%) of alcohol by weight.

**Section 2.18. *State Law*** means the duly enacted applicable laws and regulations of the State of California, specifically, Division 9—Alcoholic Beverages, as set forth at California Business and Professions Code Division 9, Sections 23000 through 25762, as amended from time to time, and all applicable provisions of the Compact.

**Section 2.19. *Tribe*** means the Alturas Indian Rancheria, located in Modoc County, California.

**Section 2.20. *Tribal Enterprise*** means any business entity, operation or enterprise owned, in whole or in part, by the Tribe.

**Section 2.21. *Tribal Land*** means all land within the exterior boundaries of the Alturas Indian Rancheria that is

held in trust by the United States for the benefit of the Tribe.

**Section 2.22. *Wine*** means any alcoholic beverage obtained by fermentation of any fruits (grapes, berries, apples, etc.), or fruit juice and containing not more than seventeen percent (17%) of alcohol by weight, including sweet wines fortified with wine spirits, such as port, sherry, muscatel and angelica, not exceeding seventeen percent (17%) of alcohol by weight.

#### *Article III—Enforcement*

**Section 3.1. *General Council Powers.*** The General Council or its designees, in furtherance of this Ordinance, shall have the power and duty to:

(a) Publish and enforce such rules and regulations governing the purchase, sale, consumption and distribution of alcoholic beverages in public places on the Alturas Indian Rancheria as the General Council deems necessary.

(b) Employ managers, accountants, security personnel, inspectors and such other persons as shall be reasonably necessary to allow the General Council to exercise its authority as set forth in this Ordinance.

(c) Issue licenses permitting the sale and/or distribution of Liquor on the Alturas Indian Rancheria.

(d) Hold hearings on violations of this Ordinance or for the issuance or revocation of licenses hereunder;

(e) Bring suit in the appropriate court to enforce this Ordinance as necessary;

(f) Determine and seek damages for violation of this Ordinance;

(g) Publish notices and make such reports to the General Council as may be appropriate;

(h) Collect sales taxes and fees levied or set by the General Council on liquor sales and the issuance of liquor licenses, and to keep accurate records, books and accounts;

(i) Take or facilitate all action necessary to follow or implement applicable provisions of State law and Federal law as required;

(j) Cooperate with appropriate State of California authorities for purposes of prosecution of any violation of any criminal law of the State of California; and

(k) Exercise such other powers as may be delegated from time to time by the General Council.

**Section 3.2. *Limitation on Powers.*** In the exercise of its powers and duties under this Ordinance, the General Council and its individual members, employees and agents shall not:

(a) Accept any gratuity, compensation or other thing of value from any liquor wholesaler, retailer or distributor, or from any licensee; or

(b) Waive the immunity of the Tribe from suit except by express resolution of the General Council, such waiver being subject to the following limitations: the waiver must be transaction specific, limited as to duration and beneficiary, include a provision that limits recourse only to specified assets or revenues of the Tribe or a tribal entity, and specifies the process and venue for dispute resolution, including applicable law.

**Section 3.3. *Inspection Rights.*** The public places on or within which liquor is sold or distributed shall be open for inspection by the General Council or its designees at all reasonable times for the purposes of ascertaining compliance with this Ordinance and other regulations promulgated pursuant hereto.

#### *Article IV—Liquor Sales*

**Section 4.1. *License Required.*** No distribution or sales of liquor shall be made on or within public places within the exterior boundaries of the Alturas Indian Rancheria, except at a duly licensed and authorized Special Event, a Tribal Enterprise, Bar, or Liquor Store located on tribal lands.

**Section 4.2. *Sales for Cash.*** All liquor sales within the Reservation boundaries shall be on a cash only basis and no credit shall be extended to any person, organization or entity, except that this provision does not prevent the payment for purchases with the use of cashiers or personal checks, payroll checks, debit credit cards or credit cards issued by any financial institution.

**Section 4.3. *Sale For Personal Consumption.*** Except for sales by Licensed Wholesalers, all sales shall be for the personal use and consumption of the purchaser or members of the purchaser's household, including guests, who have attained a minimum age of twenty-one (21). Resale of any alcoholic beverage purchased within the exterior boundaries of the Reservation is prohibited. Any person *who* is not licensed pursuant to this Ordinance who purchases an alcoholic beverage within the boundaries of the Reservation and re-sells it, whether in the original container or not, shall be guilty of a violation of this Ordinance and shall be subjected to exclusion from tribal lands or liability for money damages of up to five hundred dollars (\$500), as determined by the Tribal Gaming Commission after notice and an opportunity to be heard.

**Section 4.4. *Compliance Required.*** All distribution, sale and consumption of liquor on tribal lands shall be in compliance with this Ordinance including all applicable provisions of State law and applicable Federal law.

*Article V—Licensing*

**Section 5.1. Licensing Procedures.** In order to control the proliferation of establishments on the Reservation that sell or provide liquor by the bottle or by the drink, all persons or entities that desire to sell liquor, whether wholesale or retail, within the exterior boundaries of the Alturas Indian Rancheria must apply to the General Council for a license to sell or provide liquor; provided, however, that no license is necessary to provide liquor within a private single-family residence on the Reservation for which no money is requested or paid.

**Section 5.2. State Licensing.** In the event dual tribal and State licenses are required by State law, no person shall be allowed or permitted to sell or provide liquor on the Alturas Indian Rancheria unless such person is also licensed by the State of California, as required, to sell or provide such liquor. If any such license from the State is revoked or suspended, any applicable tribal license shall automatically be revoked or suspended.

**Section 5.3. Application.** Any person applying for a license to sell or provide liquor on the Alturas Indian Rancheria shall complete and submit an application provided for this purpose by the General Council and pay such application fee as may be set from time-to-time by the General Council for this purpose. An incomplete application will not be considered. The General Council shall establish licensing procedures and application forms for wholesalers, retailers and special events.

**Section 5.4. Issuance of License.** The General Council may issue a license if it believes that such issuance is in the best interest of the Tribe, the residents of the Alturas Indian Rancheria and the surrounding community. Licensure is a privilege, not a right, and the decision to issue any license rests in the sole discretion of the General Council.

**Section 5.5. Period of License.** Each license may be issued for a period not to exceed two (2) years from the date of issuance.

**Section 5.6. Renewal of License.** A licensee may renew its license if it has complied in full with this Ordinance and has maintained its licensure with the State of California, as required; however, the General Council may refuse to renew a license if it finds that doing so would not be in the best interests of the health and safety of the members of the Tribe and the other residents of the Alturas Indian Rancheria.

**Section 5.7. Revocation of License.** The General Council may revoke a license for reasonable cause upon notice and hearing at which the licensee shall be given an opportunity to respond to any charges against it and, to demonstrate why the license should not be suspended or revoked.

**Section 5.8. Transferability of Licenses.** Licenses issued by the General Council shall not be transferable and may only be utilized by the person or entity in whose name it was issued.

*Article VI—Taxes*

**Section 6.1. Sales Tax.** The General Council shall have the authority to impose a sales tax on all wholesale and retail liquor sales that take place on tribal lands. Such tax may be implemented by duly enacted resolution of the General Council, as supplemented by regulations adopted pursuant to this Ordinance. Any tax imposed by authority of this section shall apply to all retail and wholesale sales of liquor on tribal lands, and to the extent permitted by law shall preempt any tax imposed on such liquor sales by the State of California.

**Section 6.2. Payment of Taxes to the Tribe.** All taxes imposed pursuant to this Article VI shall be paid over to the General Treasury of the Tribe and be subject to the distribution by the General Council in accordance with its usual appropriation procedures for essential governmental functions and social services, including administration of this Ordinance.

*Article VII—Rules, Regulations and Enforcement*

**Section 7.1. Evidence.** In any proceeding under this title, proof of one unlawful sale or distribution of liquor shall suffice to establish prima facie intent or purpose of unlawfully keeping liquor for sale, selling liquor or distributing liquor in violation of this Ordinance.

**Section 7.2. Civil Violations.** Any person who shall sell or offer for sale or distribute or transport in any manner any liquor in violation of this Ordinance, or who shall have liquor in his/her possession for distribution or resale without a permit, shall be guilty of a violation of this Ordinance subjecting him/her to civil damages assessed by the General Council. Nothing in this Ordinance shall apply to the possession or transportation of any quantity of liquor by members of the Tribe or other persons located on tribal lands for their personal or other noncommercial use, and the possession, transportation, sale, consumption or other disposition of liquor outside

public places on the Alturas Indian Rancheria shall be governed solely by the laws of the State of California.

**Section 7.3. Illegal Purchases.** Any person within the boundaries of the Alturas Indian Rancheria who, in a public place, buys liquor from any person other than at a properly licensed facility shall be guilty of a violation of this Ordinance.

**Section 7.4. Sale to Intoxicated Person.** Any person who sells liquor to a person apparently under the influence of liquor shall be guilty of a violation of this Ordinance.

**Section 7.5. Providing Liquor to Underage Person.** No person under the age of twenty-one (21) years shall serve, consume, acquire or have in his/her possession any alcoholic beverages. Any person violating this section in a public place shall be guilty of a separate violation of this Ordinance for each and every drink so consumed.

**Section 7.6. Selling Liquor to Underage Person.** Any person who, in a public place, shall sell or provide any liquor to any person under the age of twenty-one (21) years shall be guilty of a violation of this Ordinance for each such sale or drink, provided.

**Section 7.7. Civil Penalty.** Any person guilty of a violation of this Ordinance shall, be liable to pay the Tribe the amount of two hundred fifty dollars (\$250) per violation as civil damages to defray the Tribe's cost of enforcement of this Ordinance. The payment of such damages in each case shall be determined by the General Council based upon a preponderance of the evidence available to the General Council after the person alleged to have violated this Ordinance has been given notice, hearing and an opportunity to respond to such allegations.

**Section 7.8. Identification Requirement.** Whenever it reasonably appears to a licensed purveyor of liquor that a person seeking to purchase liquor is under the age of twenty-seven (27), the prospective purchaser shall be required to present any one of the following officially issued cards of identification which shows his/her correct age and bears his/her signature and photograph:

(1) Drivers license of any State or identification card issued by any State Department of Motor Vehicles;

(2) United States Uniformed Services identification documents;

(3) Passport; or

(4) Gaming license or work permit issued by the Tribal Gaming Commission, if said license or permit contains the bearer's correct age, signature and photograph.

*Article VIII—Abatement***Section 8.1. Public Nuisance**

*Established.* Any public place where liquor is sold, manufactured, bartered; exchanged, given away, furnished, or otherwise disposed of in violation of the provisions of this Ordinance, and all property kept in and used in maintaining such place, is hereby declared to be a public nuisance.

**Section 8.2. Abatement of Nuisance.**

The Tribal Chairperson, upon authorization by a majority of the General Council or, if he/she fails to do so, a majority of the General Council acting at a duly-called meeting at which a quorum is present, shall institute and maintain an action in a court of competent jurisdiction in the name of the Tribe to abate and perpetually enjoin any nuisance declared under this title. Upon establishment that probable cause exists to find that a nuisance exists, restraining orders, temporary injunctions and permanent injunctions may be granted in the cause as in other injunction proceedings, and upon final judgment against the defendant the court may also order the room, structure or place closed for a period of one (1) year or until the owner, lessee, tenant or occupant thereof shall give bond of sufficient sum of not less than five thousand dollars (\$5,000) payable to the Tribe and conditioned that liquor will not be thereafter manufactured, kept, sold, bartered, exchanged, given away, furnished or otherwise disposed of thereof in violation of the provision of this title or of any other applicable tribal law, and that s/he will pay all fines, costs and damages assessed against him/her for any violation of this title or other Tribal liquor laws. If any conditions of the bond should be violated, the whole amount may be recovered for the use of the Tribe.

**Section 8.3. Evidence.** In all cases where any person has been found responsible for a violation of this Ordinance relating to manufacture, importation, transportation, possession, distribution and sale of liquor, an action may be brought to abate as a public nuisance the use of any real estate or other property involved in the violation of this Ordinance, and proof of violation of this Ordinance shall be prima facie evidence that the room, house, building, vehicle, structure, or place against which such action is brought, is a public nuisance.

*Article IX—Use of Proceeds*

**Section 9.1. Application of Proceeds.** The gross proceeds collected by the General Council from all Licensing of the sale of alcoholic beverages on tribal

lands and from fines imposed as a result of violations of this Ordinance, shall be applied as follows:

(a) First, for the payment of all necessary personnel, administrative costs, and legal fees incurred in the enforcement of this Ordinance; and

(b) Second, the remainder shall be turned over to the General Fund of the Tribe and expended by the General Council for governmental services and programs on tribal lands.

*Article X—Miscellaneous Provisions*

**Section 10.1. Severability and Savings Clause.** If any provision or application of this Ordinance is determined by judicial review to be invalid, such provision shall be deemed ineffective and void, but shall not render ineffectual the remaining portions of this Ordinance, which shall remain in full force and effect.

**Section 10.2. Effective Date.** This Ordinance shall be effective as of the date on which the Secretary of the Interior certifies this Ordinance and publishes the same in the **Federal Register**.

**Section 10.3. Repeal of Prior Acts.** Any and all prior resolutions, laws, regulations or ordinances pertaining to the subject matter set forth in this Ordinance are hereby rescinded and repealed in their entirety.

**Section 10.4. Conformance with State Law and Federal Law.** All acts and transactions under this Ordinance shall be in conformity with the Compact, the laws of the State of California and applicable Federal Law as that term is used in 18 U.S.C. 1161, but only to the extent required by the laws of the United States.

*Article XI—Amendments*

This Ordinance may be amended only pursuant to a duly enacted Resolution of the General Council, with certification by the Secretary of the Interior and publication in the **Federal Register**, if required.

Wendy Del Rosa,

*Chairperson.*

Phillip Del Rosa,

*Secretary-Treasurer.*

[FR Doc. 04-4941 Filed 3-4-04; 8:45 am]

**BILLING CODE 4310-4J-P**

**DEPARTMENT OF THE INTERIOR****Bureau of Land Management**

[WO640-1020-PF-24-1A]

**Call for Nominations for Resource Advisory Councils**

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of Resource Advisory Council call for nominations.

**SUMMARY:** The purpose of this notice is to request public nominations for the Bureau of Land Management (BLM) Resource Advisory Councils (RACs) that have member terms expiring this year. The RACs provide advice and recommendations to BLM on land use planning and management of the public lands and resources within their geographic areas.

**DATES:** BLM will accept public nominations for 45 days after the publication date of this notice. Send all nominations to the appropriate BLM State Office by no later than April 19, 2004.

**ADDRESSES:** See **SUPPLEMENTARY INFORMATION** for the locations to send your nominations.

**FOR FURTHER INFORMATION CONTACT:** Melanie Wilson Gore, U.S. Department of the Interior, Bureau of Land Management, Intergovernmental Affairs, 1849 C Street, MS-LS-406, Washington, DC 20240; 202-452-0377.

**SUPPLEMENTARY INFORMATION:** The Federal Land Policy and Management Act (FLPMA) (43 U.S.C. 1730) directs the Secretary of the Interior to involve the public in planning and issues related to management of lands administered by BLM. Section 309 of FLPMA directs the Secretary to select 10 to 15 member citizen-based advisory councils that are consistent with the requirements of Federal Advisory Committee Act (FACA). As required by the FACA, RAC membership must be balanced and representative of the various interests concerned with the management of the public lands. The BLM regulations governing RACs are found at 43 CFR part 1784. These regulations describe three general representative categories:

*Category One*—Holders of Federal grazing permits and representatives of energy and mineral development, timber industry, transportation or rights-of-way, off-highway vehicle use, and commercial recreation;

*Category Two*—Representatives of nationally or regionally recognized environmental organizations, archaeological and historic interests,